

DOCKET NO.: CEPH-1157



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PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Group Art Unit: 2835

Hudkins, et al.

Serial No.: 09/708,233

Customer No.: 23377

Filing Date: November 8, 2000

Confirmation No.: 1416

For: Selected Derivatives of K-252a

DATE OF DEPOSIT: April 23, 2002

I HEREBY CERTIFY THAT THIS PAPER IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS FIRST CLASS MAIL, POSTAGE PREPAID ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO BOX MISSING PARTS, ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

Wendy A. Choi
TYPED NAME: Wendy A. Choi
REGISTRATION NO.: 36,697

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION AND
REQUEST FOR EXTENSION OF TIME**

In response to the "Notice to File Missing Parts of Application--Filing Date Granted" dated April 1, 2002, a response to which is due June 1, 2002, enclosed herewith for filing is:

Declarations and Powers of Attorney

- ☐ A Combined Declaration and Power of Attorney, executed by the inventor(s).
- ☐ A Combined Declaration and Power of Attorney, executed by the inventor(s) and identifying fewer/more inventors than those identified in the unexecuted declaration filed with to the above-identified application specification on _____, via by Express Mail No. _____. Such deletion/addition of inventors is specifically provided for in 37 CFR Sec. 1.48.
- ☒ 2 copies of the original Declaration and Power of Attorney, executed by the inventor(s) as filed in parent application Serial No. 08/867,084. An unexecuted copy of this document, attached to the above-identified specification, was filed by Express Mail No. EL568027858US on November 8, 2000.

- ☐ A copy of the Power of Attorney with Revocation filed on November 8, 2001.
- ☒ A Combined Power of Attorney with Revocation and Statement Under 3.73(b) from Cephalon and a Combined Power of Attorney with Revocation and Statement Under 3.73(b) from Kyowa.
- ☒ An associate power of attorney executed by David A. Cherry who is/was listed on the Combined Power of Attorney with Revocation and Statement Under 3.73(b).

Drawings

- ☐ _____ Sheets of Substitute drawings comprising Figures _____ in compliance with 37 C.F.R. 1.84.

Sequence Listing (Note - All items listed below are required if Sequence Listing is also being filed with Missing Parts)

- ☐ Paper copy of Sequence Listing
- ☐ Diskette containing Sequence Listing in computer readable form
- ☐ Amendment directing entry of sequence listing in specification
- ☐ Statement to Support Filing of Sequence listing

Claim for Small Entity Status

- ☐ Applicant(s) has previously claimed small entity status under 37 CFR §1.27.
- ☐ Applicant(s) by its/their undersigned attorney, claims small entity status under 37 CFR §1.27 as:
 - ☐ an Independent Inventor
 - ☐ a Small Business Concern
 - ☐ a Nonprofit Organization

Miscellaneous Items

- ☒ A copy of the Notice to File Missing Parts.
- ☐ Request for Corrected Filing Receipt.
- ☐ Request for Refund Due to Small Entity Status
- ☐ Request for Refund Due to Fee Calculation Error
- ☐ A substitute specification in compliance with 37 C.F.R. 1.52.
- ☐ Other: _____.

Fee Calculation and Extension of Time

- ☐ Request is hereby made under 37 CFR 1.136(a) to extend the time for response to the Notice to File Missing Parts of Application due _____ to and through _____, comprising an extension of the shortened period of _____ months:

	SMALL ENTITY		NOT SMALL ENTITY	
	RATE	FEE	RATE	FEE
MISSING PARTS SURCHARGE	\$65	\$	\$130	\$130.00
<input type="checkbox"/> ONE MONTH EXTENSION OF TIME	\$55	\$	\$110	\$
<input type="checkbox"/> TWO MONTH EXTENSION OF TIME	\$200	\$	\$400	\$
<input type="checkbox"/> THREE MONTH EXTENSION OF TIME	\$460	\$	\$920	\$
<input type="checkbox"/> FOUR MONTH EXTENSION OF TIME	\$720	\$	\$1440	\$
<input type="checkbox"/> FIVE MONTH EXTENSION OF TIME	\$980	\$	\$1960	\$
TOTAL FEE DUE				\$130.00

Applicant(s) has/have not been notified that the requested extension will not be permitted. The present application is not involved in an interference declared pursuant to 37 CFR 1.207.

- ☒ A check in the total amount due of \$130.00 is attached to cover the surcharge and any requested extension of time. Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.
- ☐ Please charge the surcharge to my Deposit Account No. 23-3050 in the amount of \$_____.

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

☒ Any additional filing fees required under 37 CFR 1.16 including fees for presentation of extra claims.

☒ Any additional patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 23-3050. This sheet is attached in duplicate.

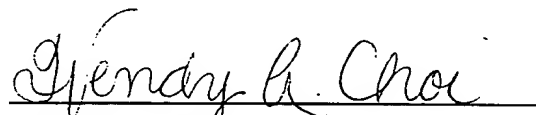
☒ Any patent application processing fees under 37 CFR 1.17 and under 37 CFR 1.20(d).

☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).

☒ Any filing fees under 37 CFR 1.16 including fees for presentation of extra claims.

This sheet is attached in duplicate.

Date: April 23, 2002


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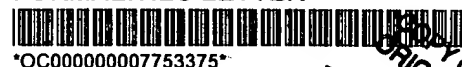
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/708,233	11/08/2000	Robert L. Hudkins	CEPH-0512



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CONFIRMATION NO. 1416

FORMALITIES LETTER



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Date Mailed: 04/01/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

Hand V.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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